

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of CHARLES LEANDREWS
CROMWELL, KELSEA JOYCE CLARK,
SAHWOO MONTEZ CLARK, ROBERT HAYES
III, G HAYES, LOTTI HAYES, and XAVIER
LAMONT ALDRIDGE, JR., Minors.

DEPARTMENT OF HUMAN SERVICES, f/k/a
FAMILY INDEPENDENCE AGENCY,

UNPUBLISHED
October 19, 2006

Petitioner-Appellee,

v

ARTICIA MONIQUE CLARK,

Respondent-Appellant,

and

CHARLES CROMWELL, XAVIER ALDRIDGE,
KIAMBA BATTS, and ROBERT HAYES II.

Respondents.

Before: Hoekstra, P.J., and Meter and Donofrio, JJ.

PER CURIAM.

Respondent Articia Clark appeals as of right the trial court's order terminating her parental rights to the minor children pursuant to MCL 712A.19b(3)(b)(i), (g), and (j). We affirm.

Termination of parental rights is appropriate where the petitioner proves by clear and convincing evidence at least one of the statutory grounds for termination set forth in MCL 712A.19b(3). *In re Trejo Minors*, 462 Mich 341, 355; 612 NW2d 407 (2000). Once this has occurred, the trial court must terminate a respondent's parental rights unless it finds that the termination is clearly not in the best interests of the child. *Id.* at 354; see also MCL 712A.19b(5). This Court reviews for clear error a trial court's decision terminating parental rights. MCR 3.977(J); *In re Miller*, 433 Mich 331, 337; 445 NW2d 161 (1989). A decision qualifies as clearly erroneous when, although evidence exists to support it, the reviewing court is left with a definite and firm conviction that a mistake has been made. See *In re Conley*, 216

Mich App 41, 42; 549 NW2d 353 (1996). On the record before us, we are left with no such conviction.

Respondent is correct that she had, between the time of their removal in 2001 and termination of her parental rights in 2005, “proved herself as a fit parent, so much so that the children were placed [back] in her care twice.” The evidence presented below, however, clearly and convincingly showed that despite her best efforts respondent was, each time, unable to properly parent the children and that this failure jeopardized the physical and emotional health of the children and required that the children again be removed from her care. Because there is nothing in the record before us to indicate that future efforts toward reunification would be any more successful, and considering that respondent has herself admitted that she is incapable of properly parenting all of the seven children, we find no clear error in the trial court’s conclusion that statutory grounds for termination of respondent’s parental rights exist under MCL 712A.19b(g) and (j).

Further, the evidence did not show that termination of respondent’s parental rights was clearly not in the children’s best interests. MCL 712A.19b(5). The trial court found that termination of respondent’s parental rights was actually within the best interests of the children, and the fact that respondent was not able to consistently properly parent the children during the four years that this matter was pending supports that decision. Consequently, we find no clear error in the trial court’s decision to terminate respondent’s parental rights. *Trejo, supra*.

Affirmed.

/s/ Joel P. Hoekstra
/s/ Patrick M. Meter
/s/ Pat M. Donofrio